

MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD ON AUGUST 6, 2007
(Approved September 10, 2007)

The Board of Supervisors held a regular monthly meeting on Monday, August 6, 2007. Present for the meeting were supervisors W. Atlee Rinehart, John Doering, Jr. Robert F. Preston, Timothy Roland and Rosemarie C. Miller. Timothy Roland was not present. Also in attendance were Peter Marshall, Interim Manager and John A. Koury, Jr., Township Solicitor.

Mr. Rinehart called the meeting to order at 7:03 p.m. and the pledge was recited.

The Board of Supervisors acknowledged new members of the Fire Police Michael Grasso, and Jim Sauers.

1. MINUTES

Minutes of the July 9, 2007 Zoning Taskforce Meeting

Approval of the minutes of the July 9, 2007 zoning taskforce meeting was tabled until further information on the suggested changes is provided.

Minutes of the July 16, 2007 Workshop Meeting

Mr. Doering moved to approve the minutes of the July 16, 2007 as revised by Mr. Preston and further modified by the Board of Supervisors. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote. Modifications are under *Payment of Bills*, first paragraph change 'weather' to 'whether' and 'may months' to 'many months', where 4-0-0 vote appears change to 5-0-0 vote, under subheading *Additional Items Brought Before the Board* in the sixth paragraph spell out Schuylkill River Greenway Association, under subheading *Adjournment* in the third paragraph first sentence delete 'bonus'.

2. PUBLIC COMMENT

Bill Dougherty presented his Eagle Scout Project to create a historic walkway in Towpath Park to inform visitors of the history of the canal system.

Mr. Preston moved to approve the Eagle Scout Project presented. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to authorize the Interim Manager to prepare a check for \$100 from the Historical Commission budget to donate to the Eagle Scout's historical walkway project. Mrs. Miller seconded the motion. The motion carried with a 5-0-0 vote.

It was requested that the minutes from the sewer progress meetings be placed on the township website.

A resident of Springhouse Lane had questions regarding the sewer project and the questions will be provided in writing to the Township Manager for response.

Mr. Matt Selvaggio of 1640 S. Keim Street inquired about the status of the audit and the Interim Manager noted the auditors are starting on the audit tomorrow, August 7, 2007.

Mr. John Constable of 73 Bard Road noted concerns that he had submitted a building permit in January and has received no response nor have his calls and inquiries been responded to by the Code Inspections Inc.. The Interim Manager will talk to the Code Inspection Inc. about this issue.

An executive session was called at this time, 7:30 p.m., to discuss personnel, litigation (T.H. Properties, Inc.) and zoning (Hnath violation) matters. The monthly meeting reconvened at 8:20 p.m.

Public Hearing for Ordinance No. 142

The hearing for the propose Ordinance No. 142 amending Chapter 22 of the East Coventry Township Code of Ordinances.

The Township Solicitor noted the hearing has been duly advertised in The Mercury.

Mr. Preston moved to adopt Ordinance No. 142 as presented and authorize the Township Solicitor to discuss with the Township Engineer to address NPDES in conjunction with the MS4 Program as it relates to the Public Improvements and Stormwater Ordinance and prepare appropriate documents. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

3. REPORTS

Reports from Various Departments and Committees

There was a review of the reports from the various departments and committees.

A cash flow analysis was requested and payroll reports were requested on a monthly basis.

It was requested the Township Engineer provide a status reports concerning the sewer project to include time schedules, substantial completion statuses, etc. on a regular basis.

The e-mail sent by the Township Engineer regarding public participation with stream cleanup was noted resulting in the following motion.

Mr. Doering moved to approve the stream clean up public participation as noted in the Township Engineer's e-mail for Pigeon Creek only. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Preston moved to approve the reports from the various departments and committees. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

4. SUBDIVISION AND LAND DEVELOPMENT

Project: Joseph McCann Co., Inc. Land Development Applicant: Joseph McCann Co, Inc.

Mr. Doering moved to approve Resolution No. 2007-25 granting sketch plan approval for the Joseph McCann Co., Inc. land development plan. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Ms. Gail Brown, Chair of the East Coventry Township Historical Commission noted potential historical resources impact on the property adjacent to the Joseph McCann Co., Inc. project site.

Project: Neuman Subdivision

Applicant: West Gate Land Development

Steven Kalis, counsel for the applicant, was present.

Mr. Doering moved to grant waiver from Section 403.1.D of the Subdivision and Land Development Ordinance to allow Lot 1 to have a depth to width ratio of 0.30:1, and Lot 2 to have a depth to width ratio of 0.40:1. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to grant waiver from Section 306.3.D(5)(a) of the Subdivision and Land Development Ordinance to allow a Historical Resources Impact Study to not be prepared contingent upon the Historical Commission being apprised of the waiver request insofar as it may have interest in the applicant providing some of the information required as part of an historical resource impact study, or a modified historic resource impact study. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to grant waiver from Section 411.13 of the Subdivision and Land Development Ordinance to allow the cul-de-sac bulb to not be placed adjacent to the tract boundary, and to not provide the 50-foot right-of-way to the tract boundary. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to grant waiver from Section 106.7.D of the Driveway Ordinance to allow the proposed driveway to serve the Neuman property (Tax Parcel 18-6-23) to be located on Lot 3 less than 10' from the property line between Lots 2 and 3 with the condition that the driveway edge be located at least six (6) feet from the property line. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to grant waiver from Section 304.3.C of the Subdivision and Land Development Ordinance to allow an aerial photograph to satisfy the requirements of the Subdivision and Land Development Ordinance Section 304.3.C. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to grant waiver from Section 304.3.G of the Subdivision and Land Development Ordinance to allow the plan to not comply with Step 1, as a fee-in-lieu of open space is being proposed. Mr. Preston seconded the motion. The motion carried

with a 5-0-0 vote. Mr. Preston noted the fee-in-lieu should be handled with separate accounting as a capital improvement.

Mr. Doering moved to grant waiver from Section 428.9 of the Subdivision and Land Development Ordinance to allow trees of 25" DBH or greater to be removed with the condition that all trees of 25" DBH or greater that are removed shall be replaced at a 4:1 ratio, and shall be identified as such on the landscaping plan. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Project: Stone/Manley Subdivision Applicant: Manley Consultants

Mr. Preston moved to grant all twenty (20) waivers for the Stone/Manley Subdivision as presented in the as outlined in the attachment to the ARRO Consulting, Inc. letter dated July 19, 2007 contingent that all applicable requirements be addressed as part of the Enclave at Ellis Woods Road plan application and that the granted waivers (with the condition) be identified on the plans for both the Stone/Manley Subdivision application and the Enclave at Ellis Woods Road application. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Project: Coventry Self Storage Applicant: Ronald Elliott

Mr. Preston moved to approve Escrow Release No. 22 for Coventry Glen for \$27,471.45. Mr. Doering seconded the motion. The motion carried with a 4-0-0 vote.

Project: Hidden Acre Estates Applicant: AMCC Properties

There was a discussion regarding open space on the Hidden Acres Estates project site and several options were discussed.

Mr. Preston moved to change Lot 5 'open space' to be changed to a 'sanctuary', the lot to be non-buildable and the township will have an access easement. The Township Solicitor is to review the necessary documents as prepared by developer's counsel who shall request appropriate waivers for decision by Board of Supervisors. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Project: Bealer Subdivision Applicant: Emerson and Dennis Bealer

Mr. Preston moved to accept the 90-day waiver extension for the Bealer Subdivision. Mr. Rinehart seconded the motion. The motion carried with a 5-0-0 vote.

There was a discussion regarding the financial security agreements for the Bealer Subdivision.

Mr. Rinehart moved to grant the waivers from Sections 505.2 and 505 of the Subdivision and Land Development Ordinance to allow the preparation of multiple financial security agreements for the same project contingent upon estimates will be updated annually and approved by the Township Engineer. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Project: Walnut Springs Farm

Applicant: Telvil Corporation

Mr. Doering moved to approve Escrow Release No. 10 for Walnut Springs Farm for \$30,290.40. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

5. OTHER BUSINESS

Parks and Recreation Committee

Mr. Preston moved to appoint Melissa Leo-Ciacchi to the Parks and Recreation Committee. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Fire Police

Mr. Rinehart moved to approve fire police request for Matthew Salvaggio at 1640 South Keim Street for October 13, 2007. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

Township Manager

Mr. Preston moved to appoint Mr. Bernard A. Rodgers to the position of Township Manager and authorize the Chairman to execute the agreement. Mr. Doering seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Doering moved to approve resolution appointing the Township Manager and attaching the resolution to the agreement. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

6. DISCUSSION ITEMS

MS4 Program

This item was already discussed at an earlier date. See item 3 Reports – Pigeon Creek Cleanup.

Sewer Update

There was a discussion regarding the gravity building sewer specifications and details in regards to the sewer hook-ups to residents.

Mr. Doering moved to specify the building sewer to be SDR26 pipe, the trap to be cast iron, the stand pipe to be ductile iron and all cleanouts are to be at or below grade and 1B stone is to be used. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

NCD Contract

There was a discussion regarding accepting the contract with NCD Associates. The contract is an agreement to pay NCD Associates a portion of savings realized by their switching our electric service PECO. Mr. Preston stated the former Township Manager did not have the authority to sign such contract.

Mr. Doering moved to approve contract with NCD Associates stating it the most cost effective way with the only other alternative being to challenge the contract. Mr. Rinehart seconded the motion. Mr. Preston voted no. The motion carried with a 4-1-0 vote.

7. ADDITIONAL INFORMATION BROUGHT BEFORE THE BOARD

Mr. Rinehart moved to approve the street closing request of Wells Road for August 31, 2007 with access to local traffic and fire police. Mr. Roland seconded the motion. The motion carried with a 5-0-0 vote.

Mr. Rinehart moved to grant the conditional use to Sprint Spectrum dated August 6, 2007 and affix appropriate signature. Mr. Preston seconded the motion. The motion carried with a 5-0-0 vote.

There was a brief but heated loud discussion regarding the settlement agreement concerning the former Township Manager.

Mr. Rinehart moved to approve the release and settlement agreement between the township, members of the Board of Supervisors and Penn Prime the insurance company; and Mr. Casey LaLonde. Mr. Preston strongly objected because the complete agreement had not been provided to him and he had numerous questions on the meanings and applicability of the various language used in the preliminary incomplete agreement. Mr. Preston threaten to place the incomplete agreement on the internet and refused to attend any executive session without the Special Counsel being present to answer any questions. Mr. Preston then left East Coventry Township Building and the remaining Members of the Board of Supervisors went into executive session. Upon returning from executive session no action was taken.

8. ADJOURNMENT

The monthly meeting adjourned at 11:30 p.m. and an executive session to discuss litigation followed.

Respectfully submitted,

John Doering, Jr.
Township Secretary